

ORIGINAL

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2012 OCT -1 PM 4:47

CLERK C. Adams  
SO. DIST. OF GA.

William H. Carter )  
Plaintiff )  
vs )  
NCO FINANCIAL SYSTEMS )  
Defendant )  
Case No: CV 311-107  
Judge Dudley H. Bowen Jr.  
Trial by Jury Demanded

**SECOND AMENDED COMPLAINT FOR VIOLATIONS  
OF THE FCRA, FDCPA AND TCPA**

**JURISDICTION**

1. This court has jurisdiction under 15 U.S.C. §1681p and 28 U.S.C §1331.
2. All conditions precedent to the bringing of this action have been performed.

**PARTIES**

3. The Plaintiff in this lawsuit is William H. Carter, a natural person, who resides in Dodge County, Georgia.
4. The Defendant in this lawsuit is NCO FINANCIAL SYSTEMS (“NCO”) an unknown entity with offices at 507 Prudential Road, Horsham, PA 19044

**VENUE**

5. The occurrences which give rise to this action occurred in Dodge County, Georgia and Plaintiff resides in Dodge County, Georgia.

6. Venue is proper in the Southern District of Georgia.

### **GENERAL ALLEGATIONS**

7. Plaintiff obtained his consumer credit reports from the three major credit reporting agencies and found entries by entities that he was unfamiliar with in the reports.
8. Plaintiff determined that his consumer credit report had been obtained on various occasions by entities he did not recognize and without his consent.
9. Plaintiff found after examination of his TransUnion consumer credit report that Defendant, NCO had obtained his TransUnion consumer credit report in November of 2009.
10. Discovery of violation of the FCRA brought forth herein occurred in Oct. of 2011 and is within the statute of limitations as defined in FCRA, 15 U.S.C. § 1681p.
11. Plaintiff is in possession of a letter from First Premier Bank stating he does not have responsibility on any account with them (**See Exhibit A**). The letter was sent in response to a Demand for Validation sent to another company attempting to collect on the same nonexistent account NCO was claiming through correspondence gave them permissible purpose to obtain Plaintiff's credit report.
12. Plaintiff provided a copy of the letter from First Premier Bank to Defendant's counsel.
13. Plaintiff made multiple attempts to mitigate settlement before and after litigation.
14. As a result of Plaintiff's propounding discovery, Defendant responded with print outs of electronic records which constituted violations of the Telephone Consumer Protection Act. 47 U.S.C. § 227 *et al.* and the Fair Debt Collection Practices Act 15 U.S.C. § 1692d(5).

**COUNT I**

**VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA), 15  
U.S.C. §1681 WILLFUL NON-COMPLIANCE BY DEFENDANT  
NCO FINANCIAL SYSTEMS**

15. Paragraphs 1 through 14 are realleged as though fully set forth herein.
16. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. § 1681a(c).
17. TransUnion is a credit reporting agency within the meaning of the FCRA, 15 U.S.C. § 1681a(f).
18. Consumer credit report is a consumer report within the meaning of the FCRA, 15 U.S.C. § 1681a(d).
19. The FCRA, 15 U.S.C. § 1681b defines the permissible purposes for which a person may obtain a consumer credit report.
20. Such permissible purposes as defined by 15 U.S.C. § 1681b are generally, if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.
21. Plaintiff has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide offer of credit from the Defendant, NCO.
22. At no time did Plaintiff give his consent for Defendant NCO, to acquire his consumer credit report from any credit reporting agency.
23. On Oct. 28, 2011 Plaintiff sent Defendant NCO, a letter of intent to sue with a redacted page

showing the credit pull from his TransUnion credit report. Plaintiff offered to settle outside litigation for the statutory damage allowed pursuant to the FCRA.

24. On Nov. 2, 2011 Plaintiff was contacted via email by Michelle Lyon of SESSIONS, FISHMAN, NATHAN & ISRAEL LLC as counsel for Defendant, NCO claiming Defendant, NCO was unable to locate any account which could have afforded permissible purpose and requested Plaintiff's Social Security number. Plaintiff responded to the email stating he had never had any account with Defendant NCO and since he wished to have none, denied the request for his Social Security number as he had already provided the page from his TransUnion credit report clearly showing the credit pull.
25. Nov. 14, 2011 Ms. Lyon sent another email claiming Defendant, NCO had been "hired" to collect an account with FIRST PREMIER BANK.
26. In response to a Dispute Letter sent to another collection agency, Plaintiff received a letter dated Dec. 1, 2011 from FIRST PREMIER BANK stating he has no account with them.
27. In Nov. of 2009 Defendant, NCO obtained the TransUnion consumer credit report for the Plaintiff with no permissible purpose, in violation of FCRA, 15 U.S.C. § 1681b.
28. The action of Defendant, NCO obtaining the consumer credit report of the Plaintiff with no permissible purpose or Plaintiff's consent was a violation of FCRA, 15 U.S.C. § 1681b and an egregious violation of Plaintiff's right to privacy.

**WHEREFORE, Plaintiff demands judgment for damages against Defendant, NCO FINANCIAL SYSTEMS for statutory damages of \$1000.00, punitive damages to be determined by this honorable court, attorney's fees, and costs pursuant to 15 U.S.C. § 1681n.**

**COUNT II**

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT  
(FDCPA), 15 U.S.C. §1692**

29. Plaintiff repeats and re-alleges each and every allegation stated above
30. Plaintiff propounded production of documents on Defendant in June of 2012. The documents produced by Defendant to Plaintiff contained records of Numerous telephone calls made to Plaintiff's cell phone by Defendant. (*See Exhibit B*).
31. Upon close inspection of the call records provided by Defendant, Plaintiff determined that there were at least one hundred and five calls placed to the Plaintiff's cell phone number, 478-689-6028 between November of 2009 and April of 2010. (*See Exhibit B*)
32. On thirty four of the days calls to Plaintiff's cell phone were made there were At least two and as many as four calls per day, harassing the Plaintiff and creating a violation of FDCPA 15 U.S.C. § 1692d(5). (*See Exhibit B*)

**WHEREFORE, Plaintiff demands judgment for damages against Defendant, NCO for statutory damages of \$1000.00 pursuant to FDCPA 15 U.S.C. § 1692k(a)(2)(A).**

### **COUNT III**

#### **VIOLATION OF THE TELEPHONE CONSUMER PRACTICES ACT (TCPA), 47 U.S.C. § 227 WILLFUL NON-COMPLIANCE BY DEFENDANT NCO FINANCIAL SYSTEMS**

33. Plaintiff repeats and re-alleges each and every allegation stated above.
34. Documents provided by Defendant through discovery show documented evidence of at least one hundred and five calls placed by an automatic dialing system to Plaintiff's cell phone number without Plaintiff's express consent, (*See Exhibit B*). Said numerous calls to Plaintiff were blatant and willful violations **TCPA 47 U.S.C. § 227(b)(1)(A)(iii)** when considering the extreme number of calls made to Plaintiff without his express consent.
35. Plaintiff has provided Defendant with proof in the form of a page from the Alltel phone billing for the account on that phone which clearly indicates it was a wireless phone.
36. The Alltel account for the wireless phone of the Plaintiff was in the name of Plaintiff's mother in law and included five wireless phones with separate numbers. (*See Exhibit C*)
37. Plaintiff has provided Defendant with proof of the fact that the cell phone with the number 478-689-6028 was his personal contact number. (*See Exhibits D, E, and F*)
38. Plaintiff does not have an established business relationship within the meaning of 47 U.S.C. § 227 with NCO and Plaintiff never gave NCO his express consent to call him at any time.
39. Plaintiff was aware there had been many harassing phone calls placed to his cell phone in the approximate time frame of November 2009 to April 2011 but was unaware said calls had been placed by NCO until the records of said calls were provided by Defendant during discovery.
40. There is no language within the TCPA 47 U.S.C. § 227 which would require Plaintiff's

cell phone account to be in his name and proof has been provided that said wireless phone number was at all times used only by the Plaintiff and no other person.

41. The TCPA provides a private right of action as stated in **TCPA 47 U.S.C. § 227, (b)(3)**

**(b)(3) PRIVATE RIGHT OF ACTION** – A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State-

- (A)** an action based on a violation of this subsection or the regulations prescribed under subsection to enjoin such violation,
- (B)** an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or
- (C)** both such actions. If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the available under subparagraph (B) of this paragraph.

**WHEREFORE** Plaintiff demands damages pursuant to 47 U.S.C. § 227(b)(3)(A)(B)(C) in the amount of \$500.00 for the first call and \$1,500.00 per call for each and every successive call thereafter as knowing and or willful violations of the TCPA.

**DEMAND FOR TRIAL BY JURY**

**Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.**

**Dated: August 13, 2012**

**Respectfully Submitted,**



**William H. Carter  
311 Bethel Street  
Eastman, Georgia 31023**

# EXHIBIT

## A

# CENTENNIAL®

First PREMIER® Bank  
P.O. Box 5524  
3820 N. Louise Ave.  
Sioux Falls, SD 57117-5524

December 1, 2011

WILLIAM H CARTER  
322 BETHEL ST  
EASTMAN GA 31023

Dear WILLIAM H CARTER:

This letter is regarding your recent request for information on the First PREMIER Bank credit card account ending in 1656.

We have completed our investigation and have determined you are not responsible for the disputed account. We have sent information to the four major consumer reporting agencies to remove the account from your consumer file. Please allow 60 to 90 days for the update to reflect on your consumer report. We apologize for any inconvenience this may have caused.

Unfortunately, we are unable to release the account information you are requesting at this time. In cases involving identity theft, the Fair Credit Reporting Act provides an alternative method by which you may be able to obtain some of the requested documents. First PREMIER Bank is required by 15 U.S.C. §1681g(e) to provide application and statement copies, if available, to the victim of identity theft or to a law enforcement agency at the request of the victim. Under 15 U.S.C. §1681g(e), the following information must be forwarded to us before we can comply with such a request:

1. A written request from the victim of identity theft requesting any available application/statement copies be provided to the law enforcement agency or to themselves; and
2. A copy of the police report evidencing the claim of the victim of identity theft or a properly completed copy of the standard affidavit of identity theft made available by the Federal Trade Commission (available at: [www.ftc.gov](http://www.ftc.gov)); and
3. A copy of one of the following approved government identification items issued to you such as a state issued driver's license. Other acceptable forms of verification include a copy of a paystub, W2 form, a letter from the Social Security Administration office on their letterhead that has been signed and dated by an authorized representative, a signed and dated letter from your employer on company letterhead, or a copy of your birth certificate; and
4. Any relevant information related to the transaction alleged to be a result of identity theft, such as the date of application or credit card account number.

Once we are in receipt of these documents, we are able to fulfill your request.

Questions can be directed to the Customer Service Department at 1-800-987-5521. Business hours are Monday-Friday 7:00 a.m. to 9:00 p.m. and Saturday 8:00 a.m. to 4:30 p.m. Central Time.

Sincerely,

M. Wilson  
Customer Service Department  
First PREMIER Bank  
jgh

9  
SC225  
0043299576-8208

# EXHIBIT

# B

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## FACT SHEET

CRS #:	AJ0893	Client #:	GENFPB-B
Name:	CARTER, WILLIAM H	FIRST PREMIER BANK	
Address:	311 BETHEL ST	Acct #:	1656
City/State:	EASTMAN, GA 31023-6233	Regarding:	First PREMIER Bank
Home Phone:	(000) 000-0000	Amt Refered:	414.13
Work Phone:	(000) 000-0000	Current Bal:	414.13
Soc Sec No:		Comm Rate:	45.000%
Employer:		Costs:	0.00
		Ck Chg/Fee:	0.00
		Other:	0.00
Status:	82 FDCPA NO CONTACT	Interest Rate:	0.000%
Coll Unit:	666 LEGAL REST	Interest Amt:	0.00
Date Last:	10/30/07	Date Received:	11/10/09
Activity Code:	QQ RETURN TO CLIENT	***** RETURNED *****	
Spouse Name	Last:	First:	
	SS# 000-00-0000		
	Emp (000) 000-0000		
Co Maker	Last:	First:	
	SS# 000-00-0000		
	Home (000) 000-0000		
	Emp (000) 000-0000		
Prev Citi#	Last:	First:	
REH AGR DT	00/00/00		
1st PMT DT	00/00/00		
REH AGR TYPE			
+ [KCYCLE AMT	0.00		

Phone Nbr	Name/Address	Zip	Type/Status	Source/when	Cf/I	C
( )	CARTER, WILLIAM H	31023	N-Debtor	J-Master 11/10/09	UNKN	Unk
(478) 220-4053	5607 COTTONDALE AVE		F-Previous			
(770) 233-9349	CARTER, WILLIAM H		N-Debtor	I-Lex/Nexis 11/10/09	LOW	
(770) 233-9598	CARTER, WILLIAM H		O-New	11/10/09	LAND	Unk
(770) 233-0856	CARTER, WILLIAM H		N-Debtor	I-Lex/Nexis 11/10/09	MEDI	
(478) 689-0593	CARTER, WILLIAM H		O-New	11/10/09	LAND	Unk
(478) 231-0016	WHITEHEAD, DWAYNE	31023	N-Debtor	I-Lex/Nexis 11/10/09	MEDI	
	PO BOX 4923		O-New	11/10/09	LAND	Unk
(478) 220-4444	SANFORD, LANEDA		H-Associate	I-Lex/Nexis 11/10/09	LOW	
(678) 516-7331	HALL	31023	O-New	11/10/09	CELL	Man
(770) 567-0058	1514 SHERIDAN RD NE AP	30324	H-Associate	I-Lex/Nexis 11/10/09	UNKN	Unk
	LAIDLER, VIOLET		6-Relative	11/10/09	UNKN	
	225 JACKSON ST APT 17	30295	O-New	I-Lex/Nexis 11/10/09	UNKN	Unk
			6-Relative	11/10/09	UNKN	
			O-New	11/10/09	UNKN	

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AJ0893 CARTER, WILLIAM H

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Phone Nbr	Name/Address	zip	Type/Status	Source/When	Cr/I	C
(770) 946-4365	PIRKLE 348 STEELE DR	30228	6-Relative 0-New	I-Lex/Nexis 11/10/09	UNKN	unk
(256) 775-7814	PARTEE, SANDRA 3980 COUNTY ROAD 1212	35179	6-Relative 0-New	I-Lex/Nexis 11/10/09	UNKN	unk
(478) 374-8299	WHITEHEAD, PATRICIA 5727 6TH AVE	31023	6-Relative 0-New	I-Lex/Nexis 11/10/09	UNKN	unk
(478) 374-6200	WHITEHEAD, WAYNE PO BOX 4923	31023	6-Relative N-Debtor 0-New	I-Lex/Nexis 11/10/09 4-T/U 11/15/09	UNKN	unk
(478) 553-9136			N-Debtor	J-Master	UNKN	unk
(478) 689-6028	CARTER, WILLIAM H 311 BETHEL ST	31023	6-Cease Calls	11/01/11	UNKN	unk

PAYMENTS			TRANSACTIONS				
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		A1-5607 COTTONDALE AVE					
11/10/09	17:12	CC/CC				LXN	
		CSZ-EASTMAN					
11/10/09	17:12	IR/GI				LXN	
		NB SKP - SHP ADD ASC REL					
11/15/09	10:40	CC/CC	11/15/09	10:40	SCORE-002	SYS	
11/15/09	10:40	CC/CC				SYS	
		DEBTOR CREDIT BUREAU DATA ON O SCREE					
		N					
11/16/09	10:35	AG/IR				I4L	
		DEBTOR FORWARDED TO AGENCY					
11/16/09	10:35	TA/			PL1	SYS	
11/17/09	02:14	AG/IR				SYS	
		NEW PLMT - BALANCE UPDATE SENT					
11/17/09	10:16	CC/CC	11/17/09	10:16	COLL UNIT NC1	NEE	
11/18/09	08:51	CC/CC			COLL UNIT G08	NEE	
11/19/09	03:09	SN/A				NEE	
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		IH.NA 4786896028 LV NO ANSWER					
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		MO.NA 4786896028 LV NO ANSWER					
11/21/09	05:32	MN/NA	11/20/09	1909		VOX	
		MO.NA 4786896028 LV NO ANSWER					
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		MO.NA 4786896028 LV NO ANSWER					
11/21/09	17:01	MN/NA	11/21/09	1340		VOX	
		MO.NA 4786896028 LV NO ANSWER					
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		IH.NA 4786896028 LV NO ANSWER					
11/25/09	05:32	MN/NA	11/24/09	1251		VOX	
		MO.NA 4786896028 LV NO ANSWER					
11/26/09	04:25	VR/NA	11/25/09	1330		VOX	

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PAYMENTS				TRANSACTIONS			
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				12/09/09	20:41	MN/NA	4786896028 LV NO ANSWER 120909 1444 VOX
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				12/11/09	05:40	MN/NA	4786896028 LV NO ANSWER 121009 2003 VOX
				12/14/09	06:16	CC/CC	4786896028 DT LAST-00 00 1656 SYS
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				12/16/09	12:26	MN/NA	4786896028 LV NO ANSWER 121509 1343 VOX
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				12/19/09	05:02	MN/NA	4786896028 AH.DL 121809 1421 VOX
						MO/NA	4786896028 LV NO ANSWER

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 12/19/09 16:01 MH/DL 121909 1015 ASP  
 AH.DL 4786896028  
 12/21/09 04:52 MN/NA 122009 1711 VOX

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				DT LAST-03	11:07-			1656
12/24/09				12/24/09	10:06	MN/NA	122309 1753	VOX
				MO.NA	4786896028	LV	NO ANSWER	
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01/02/10				01/02/10	19:52	MN/NA	010210 1013	VOX
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01/04/10				01/04/10	18:45	MH/AM		T3
							4786896028 XMMAIN94	
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				AH.DL	4786896028			
01/09/10				01/09/10	19:46	MN/NA	010910 1052	VOX
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01/11/10				01/11/10	20:52	VR/NA	011110 1551	VOX
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				IH.NA	4786896028	LV	NO ANSWER	
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01/15/10				01/15/10	06:51	VR/NA	011410 1433	VOX
				IH.NA	4786896028	LV	NO ANSWER	
01/15/10				01/15/10	17:52	MH/DL	011510 1351	ASP
				AH.DL	4786896028			
01/16/10				01/16/10	06:04	TG/TA	TRIGGER SENT	TRG
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				MO.NA	4786896028	LV	NO ANSWER	
01/18/10				01/18/10	20:59	VR/NA	011810 1203	VOX
				IH.NA	4786896028	LV	NO ANSWER	
01/18/10				01/18/10	20:59	VR/NA	011810 1238	VOX
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01/19/10				01/19/10	20:34	MN/NA	011910 1052	VOX
				MO.NA	4786896028	LV	NO ANSWER	

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 01/19/10 20:34 MN/NA 011910 1019 VOX  
 MO.NA 4786896028 LV NO ANSWER  
 01/20/10 10:26 MH/AM T3  
 4786896028 XMMAIN94  
 01/21/10 20:02 VR/NA 012110 1407 VOX  
 IH.NA 4786896028 LV NO ANSWER

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PAYMENTS				TRANSACTIONS			
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		MO.NA 4786896028	LV NO ANSWER				
01/23/10	19:50	MN/NA	012310 1002	VOX			
		MO.NA 4786896028	LV NO ANSWER				
01/26/10	20:44	VR/NA	012610 1330	VOX			
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		IH.NA 4786896028	LV NO ANSWER				
01/30/10	04:58	VR/NA	012910 1949	VOX			
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02/01/10	20:31	VR/NA	020110 1251	VOX			
		IH.NA 4786896028	LV NO ANSWER				
02/04/10	07:19	MH/DL	020310 1431	ASP			
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02/04/10	10:02	MH/AM		T3			
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02/06/10	16:41	MN/NA	020610 0905	VOX			
		MO.NA 4786896028	LV NO ANSWER				
02/06/10	18:41	MN/NA	020610 1624	VOX			
		MO.NA 4786896028	LV NO ANSWER				
02/08/10	20:43	MN/NA	020810 1005	VOX			
		MO.NA 4786896028	LV NO ANSWER				
02/09/10	08:20	MN/NA	020810 2004	VOX			
		MO.NA 4786896028	LV NO ANSWER				
02/09/10	10:41	CC/CC		SYS			
		AUX2 POS 3-PREMIER BANKCARD, LLC					
02/10/10	04:00	VR/NA	020910 1520	VOX			
		IH.NA 4786896028	LV NO ANSWER				
02/11/10	20:58	VR/NA	021110 1307	VOX			
		IH.NA 4786896028	LV NO ANSWER				
02/13/10	05:20	VR/NA	021210 1316	VOX			
		IH.NA 4786896028	LV NO ANSWER				
02/13/10	15:43	MN/NA	021310 1041	VOX			
		MO.NA 4786896028	LV NO ANSWER				

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707806  
 02/13/10 17:45 MN/NA 021310 1452 VOX  
 MO.NA 4786896028 LV NO ANSWER  
 02/16/10 04:24 VR/NA 021510 1308 VOX  
 IH.NA 4786896028 LV NO ANSWER  
 02/16/10 17:47 VR/NA 021610 1159 VOX  
 IH.NA 4786896028 LV NO ANSWER  
 02/16/10 18:53 VR/NA 021610 1534 VOX  
 IH.NA 4786896028 LV NO ANSWER  
 02/17/10 16:38 VR/NA 021710 1144 VOX

AJ0893 CARTER, WILLIAM H

Page 6

PAYMENTS				TRANSACTIONS			
--Date--	Amount	Code	Rate	--DATE--	TIME	AC/RC	----COMMENT---- ID
				IH.NA	4786896028	LV NO ANSWER	
02/18/10	15:44	MN/NA	021810 0904	VOX			
		MO.NA	4786896028	LV NO ANSWER			
02/18/10	18:52	MN/NA	021810 1544	VOX			
		MO.NA	4786896028	LV NO ANSWER			
02/20/10	04:00	VR/NA	021910 1602	VOX			
		IH.NA	4786896028	LV NO ANSWER			
02/20/10	18:36	MN/NA	022010 1449	VOX			
		MO.NA	4786896028	LV NO ANSWER			
02/22/10	20:54	VR/NA	022210 1242	VOX			
		IH.NA	4786896028	LV NO ANSWER			
02/24/10	07:18	MH/DL	022310 1314	ASP			
		AH.DL	4786896028				
02/25/10	10:38	VR/NA	022410 1432	VOX			
		IH.NA	4786896028	LV NO ANSWER			
02/26/10	09:48	VR/NA	022510 1743	VOX			
		IH.NA	4786896028	LV NO ANSWER			
02/27/10	05:23	VR/NA	022610 1411	VOX			
		IH.NA	4786896028	LV NO ANSWER			
02/27/10	20:03	VR/NA	022710 1019	VOX			
		IH.NA	4786896028	LV NO ANSWER			
03/02/10	04:22	VR/NA	030110 1309	VOX			
		IH.NA	4786896028	LV NO ANSWER			
03/02/10	16:15	VR/NA	030210 1005	VOX			
		IH.NA	4786896028	LV NO ANSWER			
03/02/10	16:52	VR/NA	030210 1414	VOX			
		IH.NA	4786896028	LV NO ANSWER			
03/03/10	09:17	VR/NA	030210 1844	VOX			
		IH.NA	4786896028	LV NO ANSWER			
03/03/10	16:43	VR/NA	030310 1249	VOX			
		IH.NA	4786896028	LV NO ANSWER			
03/04/10	07:34	VR/NA	030310 1818	VOX			
		IH.NA	4786896028	LV NO ANSWER			
03/04/10	17:41	MH/DL	030410 0828	ASP			
		AH.DL	4786896028				
03/05/10	19:31	VR/NA	030510 1108	VOX			
		IH.NA	4786896028	LV NO ANSWER			
03/06/10	06:09	VR/NA	030510 2005	VOX			
		IH.NA	4786896028	LV NO ANSWER			
03/06/10	16:04	MN/NA	030610 0917	VOX			
		MO.NA	4786896028	LV NO ANSWER			
03/06/10	17:40	MN/NA	030610 1443	VOX			

Page 6

707806	MO.NA	4786896028	LV	NO ANSWER	
03/09/10	05:38	VR/NA	030810	1208	VOX
	IH.NA	4786896028	LV	NO ANSWER	
03/09/10	11:50	VR/NA	030810	2004	VOX
	IH.NA	4786896028	LV	NO ANSWER	
03/10/10	04:00	VR/NA	030910	1343	VOX
	IH.NA	4786896028	LV	NO ANSWER	
03/10/10	20:57	VR/NA	031010	1644	VOX
	IH.NA	4786896028	LV	NO ANSWER	
03/12/10	10:18	VR/NA	031110	1428	VOX
	IH.NA	4786896028	LV	NO ANSWER	
03/12/10	13:42	VR/NA	031110	2015	VOX

AJ0893 CARTER, WILLIAM H

Page 7

PAYMENTS				TRANSACTIONS			
--Date--	Amount	Code	Rate	--DATE--	TIME	AC/RC	----COMMENT---- ID
				IH.NA 4786896028	LV	NO ANSWER	
03/12/10				20:41	VR/NA	031210 1021	VOX
				IH.NA 4786896028	LV	NO ANSWER	
03/13/10				17:49	VR/NA	031310 0951	VOX
				IH.NA 4786896028	LV	NO ANSWER	
03/16/10				09:59	VR/NA	031510 1340	VOX
				IH.NA 4786896028	LV	NO ANSWER	
03/16/10				15:32	MN/NA	031610 0952	VOX
				MO.NA 4786896028	LV	NO ANSWER	
03/17/10				07:50	MN/NA	031610 1730	VOX
				MO.NA 4786896028	LV	NO ANSWER	
03/17/10				19:13	MH/DL	031710 0854	ASP
				AH.DL 4786896028			
03/19/10				08:36	VR/NA	031810 1531	VOX
				IH.NA 4786896028	LV	NO ANSWER	
03/20/10				05:07	VR/NA	031910 1525	VOX
				IH.NA 4786896028	LV	NO ANSWER	
03/20/10				15:38	MN/NA	032010 1123	VOX
				MO.NA 4786896028	LV	NO ANSWER	
03/20/10				17:47	MN/NA	032010 1434	VOX
				MO.NA 4786896028	LV	NO ANSWER	
03/20/10				18:49	MN/NA	032010 1615	VOX
				MO.NA 4786896028	LV	NO ANSWER	
03/22/10				16:57	MH/DL	032210 0853	ASP
				AH.DL 4786896028			
03/24/10				04:00	VR/NA	032310 1435	VOX
				IH.NA 4786896028	LV	NO ANSWER	
03/24/10				17:52	MN/NA	032410 1247	VOX
				MO.NA 4786896028	LV	NO ANSWER	
03/25/10				12:43	MN/NA	032410 1956	VOX
				MO.NA 4786896028	LV	NO ANSWER	
03/26/10				07:00	VR/NA	032510 1508	VOX
				IH.NA 4786896028	LV	NO ANSWER	
03/27/10				20:00	VR/NA	032710 1333	VOX
				IH.NA 4786896028	LV	NO ANSWER	
03/31/10				04:00	VR/NA	033010 1438	VOX
				IH.NA 4786896028	LV	NO ANSWER	
03/31/10				18:01	MH/DL	033110 1204	ASP
				AH.DL 4786896028			

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707806  
 04/01/10 20:53 VR/NA 040110 1506 VOX  
 IH.NA 4786896028 LV NO ANSWER  
 04/03/10 18:37 MN/NA 040310 1325 VOX  
 MO.NA 4786896028 LV NO ANSWER  
 04/04/10 20:40 AJ/IR C105 SYS  
 20100404 CLOSE - EFFORTS EXHAUSTED  
 04/04/10 20:40 AG/IR VR5  
 DEBTOR RECALLED FROM AGENCY - NC1  
 04/04/10 20:40 CC/CC COLL UNIT V81 SYS  
 04/04/10 20:40 CC/CO SYS  
 1656 ACT CODE 0  
 04/06/10 11:33 AG/IR I4L  
 DEBTOR FORWARDED TO AGENCY  
 04/06/10 11:33 CS/10 I4L  
 04/06/10 11:33 TA/ PL2 SYS

AJ0893 CARTER, WILLIAM H

Page 8

PAYMENTS				TRANSACTIONS			
--Date--	Amount	Code	Rate	--DATE--	TIME	AC/RC	COMMENT ID
04/07/10				04/07/10	02:23	AG/IR	SYS
						NEW PLMT - BALANCE UPDATE SENT	
04/07/10				04/07/10	06:01	TG/TO	TRIGGER REMOVED
				04/09/10	05:03	AJ/IR	S101
						20100407	ACKNOWLEDGMENT
				04/09/10	23:00	AJ/IR	W113
						20100408	MISC. DEBTOR LETTER
				05/13/10	22:33	AJ/IR	S123
						20100512	SKIP SEARCH - BAD ADDRESS
				05/13/10	22:33	AJ/IR	W120
						20100512	TELEPHONE DEMAND RESIDENCE
				05/13/10	22:35	AJ/IR	S123
						20100512	SKIP SEARCH - BAD ADDRESS
				05/13/10	22:35	AJ/IR	W120
						20100512	TELEPHONE DEMAND RESIDENCE
				05/17/10	21:39	AJ/IR	S124
						20100514	SKIP TRACE
				11/23/10	19:12	CC/CC	
						1656	
						RETURN GENFPB8-	
				11/23/10	19:12	CC/CC	SYS
						ACTIVITY AD - CBR12672538	
				11/24/10	07:41	CC/CC	SYS
						ACTIVITY RA - CBR12672538	
				11/24/10	07:41	CC/CC	SYS
						RETURN DATE 11-23-10 - CBR12672538	
				11/24/10	12:49	CC/CO	SYS
						RECALLED DATE HAS BEEN SET	
						MASTER FORWARDED FLAG REMOVED	
						FORWARD FLAG WAS F NOW R	
				11/24/10	12:49	AG/LR	C100 SN2
				11/25/10	02:40	CC/CC	SYS
						RECALL SENT TO SN2 FOR C100	
				03/15/11	11:26	SO/CC	SYS
						SOL DATE 00-00-00 - CBR12672538	
				08/03/11	23:22	CC/CC	SYS
						AUX2 POS 2 - PREMIER BANKCARD, LLC	

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# EXHIBIT

# C



Page 3 of 40  
 BILL DATE September 14, 2005  
 ACCOUNT NUMBER 2190831812-690

### Account Summary

#### Previous Charges

Previous Balance as of 09/14/05 \$183.18

#### Payments and Adjustments

Thank you for your payment - 09/09/05 \$183.18 CR

Total Payments and Adjustments \$183.18 CR

#### Balance Forward

\$ .00

#### Current Charges for all Subscribers

Monthly Service Charges \$166.93

Other Charges and Credits \$10.32

Taxes \$13.64

Airtime & Directory Assistance Charges \$29.85

#### Total Charges for all Subscribers

\$210.74

#### TOTAL BALANCE DUE

\$210.74

### Current Charges for All Subscribers

	Local Airtime Used	Monthly Service Charges	Other Charges & Credits	Taxes	Access Charges	Touch2Talk Usage Charges	Airtime & Dir. Assist Charges	Long Distance Charges	Roaming Charges	Total
WIRELESS (478)689-0484	1887.0	\$20.98	\$1.89	\$1.56	\$0.00	\$0.00	\$13.85	\$0.00	\$0.00	\$38.28
WIRELESS (478)689-0566	2082.0	\$20.98	\$1.62	\$1.28	\$0.00	\$0.00	\$4.75	\$0.00	\$0.00	\$28.63
WIRELESS (478)689-5645	1481.0	\$84.99	\$3.57	\$8.24	\$0.00	\$0.00	\$1.75	\$0.00	\$0.00	\$98.55
WIRELESS (478)689-6028	1423.0	\$14.99	\$1.69	\$1.36	\$0.00	\$0.00	\$7.20	\$0.00	\$0.00	\$25.24
WIRELESS (478)689-6205	1850.0	\$14.99	\$1.55	\$1.20	\$0.00	\$0.00	\$2.30	\$0.00	\$0.00	\$20.04

# EXHIBIT

# D



PEST CONTROL

World's Best

AMANDA CARTER  
5607 COTTONDALE AVE.  
EASTMAN, GA 31023  
478-682-6305  
1478-682-6072

ORKIN, INC.

DRAIN - BUSHY  
HILL DR 31056 GA HIGHWAY 44  
CLUBLINE, GA 31023  
478-272-1866

FPO# 502

Target Branch/Postal

ROUTE: 4 STOP#1  
FREQUENCY: monthly  
TECH: WILLIAM STRICKLAND

Date \_\_\_\_\_  
Time In \_\_\_\_\_  
Time Out \_\_\_\_\_

The type of service performed today was:

Initial  Scheduled  No Charge  Special Details of this service are listed below.

Follow Up Service Date \_\_\_\_\_

Findings	Treatment																																		
<input type="checkbox"/> No activity detected. Performed preventive treatment for target pest(s). <ul style="list-style-type: none"> <li><input type="checkbox"/> Ants</li> <li><input type="checkbox"/> Carpenter Ants</li> <li><input type="checkbox"/> Fire Ants</li> <li><input type="checkbox"/> Pharaoh Ants</li> <li><input type="checkbox"/> Mice</li> <li><input type="checkbox"/> Rats</li> <li><input type="checkbox"/> Flies</li> <li><input type="checkbox"/> Fleas</li> <li><input type="checkbox"/> Other</li> </ul>	Orkin takes care to place treatment materials where they will achieve maximum effectiveness. For codes see other side. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Products</th> <th>Quantity</th> <th>Sites</th> <th>Method</th> <th>Eq</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table> <p style="text-align: center;"><i>Spank</i></p>					Products	Quantity	Sites	Method	Eq																									
Products	Quantity	Sites	Method	Eq																															
<input type="checkbox"/> Activity detected. Treatment applied for the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Ants</li> <li><input type="checkbox"/> Carpenter Ants</li> <li><input type="checkbox"/> Fire Ants</li> <li><input type="checkbox"/> Pharaoh Ants</li> <li><input type="checkbox"/> Mice</li> <li><input type="checkbox"/> Rats</li> <li><input type="checkbox"/> Flies</li> <li><input type="checkbox"/> Fleas</li> <li><input type="checkbox"/> Other</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> American Roaches</li> <li><input type="checkbox"/> Brown Banded Roaches</li> <li><input type="checkbox"/> German Roaches</li> <li><input type="checkbox"/> Oriental Roaches</li> <li><input type="checkbox"/> Smokey Brown Roaches</li> <li><input type="checkbox"/> Crickets</li> <li><input type="checkbox"/> Spiders</li> <li><input type="checkbox"/> Stored Product Pests</li> </ul>																																		
Please follow checked instructions: <ul style="list-style-type: none"> <li><input type="checkbox"/> Do not touch treated areas until dry</li> <li><input type="checkbox"/> Do not tamper with rodenticide placements</li> <li><input type="checkbox"/> Do not return to room until ventilated (2 hrs. minimum)</li> </ul>																																			

Oak St (May 22 '07) two Cochran B on 9th ave L on Leitch

FOR ADDITIONAL INFORMATION: A COPY OF THE LABEL AND/OR MSDS MAY BE REQUESTED FROM YOUR LOCAL BRANCH.  
889149 Rev. 1/06

# EXHIBIT

# E

Customer Copy

Date: 4/10/2008 04:27 PM  
 Estimate ID: 11-6064-08001  
 Estimate Version: 1  
 Supplement: 1 (P) 4/10/2008 03:40:48 PM  
 Preliminary  
 Profile ID: State Farm

## Coleman's Paint & Body Shop

5305 Ninth Avenue, Eastman, GA 31023  
 (478) 374-7873  
 Fax: (478) 374-7898

Damage Assessed By: Mike Coleman  
 Supplemented By: Mike Coleman

Type of Loss: Comprehensive  
 Date of Loss: 3/18/2008  
 Deductible: NONE  
 Route VIR: N  
 Claim Number: 11-6064-08001

Insured: WILLIAM CARTER  
 Owner: WILLIAM CARTER  
 Address: 601 KELLAM RD, DUBLIN, GA 31021-3337  
 Telephone: Home Phone: (478) 689-6028

Mitchell Service: 915484

Description: 2001 Chevrolet Astro LS  
 Body Style: VanPassExt 111" WB  
 VIN: 1GNDM19W81B143553  
 Vehicle Production Date: 4/01  
 Mileage: 225,842  
 Color: WHITE  
 Options: ALUM/ALLOY WHEELS, AIR CONDITIONING, POWER STEERING, POWER BRAKES, POWER WINDOWS  
 POWER DOOR LOCKS, TILT STEERING WHEEL, CRUISE CONTROL, DUAL A/C  
 AUTOMATIC TRANSMISSION, LUGGAGE RACK, AM-FM STEREO/CDPLAYER(SINGLE)  
 REAR GATE WIPER, PASSENGER-FRONT AIR BAG, POWER REMOTE MIRROR, V6 ENGINE, 4-DOOR  
 AM-FM STEREO, VAN, OVERHEAD CONSOLE, DRIVER-FRONT AIR BAG

Drive Train: 4.3L Inj 6 Cyl 2WD  
 License: ALE0316 GA

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/Part Number	Dollar Amount	Labor Units
<u>FRONT BUMPER</u>							
1	500441	BDY	REMOVE/INSTALL	FRT BUMPER ASSY			INC #
2		BDY	OVERHAUL	FRT BUMPER COVER ASSY			1.1 #
3	500444	BDY	REMOVE/REPLACE	FRT BUMPER COVER	12382996	GM PART	186.85 INC #
4		REF	REFINISH	FRT BUMPER COVER			C 2.1
5				USED PARTS ARE NOT AVAILABLE			
<u>GRILLE</u>							
6	500459	BDY	REMOVE/REPLACE	GRILLE	19130758	GM PART	333.90
S1	7	534263	BDY	REMOVE/REPLACE	88934655	GM PART	26.30
<u>FRONT LAMPS</u>							
8	500468	BDY	REMOVE/REPLACE	L HLAMP CAPSULE ASSY	16524091	GM PART	97.33
9		BDY	CHECK/ADJUST	HEADLAMPS			0.4
10	500480	BDY	REMOVE/REPLACE	L HLAMP MOUNTING PANEL	16518493	GM PART	65.21
<u>MANUAL ENTRIES</u>							
11	900600	BDY	REMOVE/REPLACE	CAR COVER	New		5.00 * 0.0*
<u>ADDITIONAL COSTS &amp; MATERIALS</u>							
12	936000		ADD'L COST	FREON & OIL			55.00 *
13	938003		ADD'L COST	COOLANT			15.00 *
<u>FRONT LAMPS</u>							
14	500482	BDY	REMOVE/REPLACE	L PARK/SIGNAL/MARKER LAMP ASSEMBLY	16523211	GM PART	58.88
15	500500	BDY	REMOVE/REPLACE	L MARKER LAMP ASSEMBLY	16524075	GM PART	27.61
<u>COOLING</u>							

This estimate has been re-calculated with a modified profile.

ESTIMATE RECALL NUMBER: 04/01/2008 16:31:51 11-6064-08001

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# EXHIBIT

F

Date: 3/27/2008 11:31 AM  
 Estimate ID: 11-6064-08001  
 Estimate Version: 0  
 Committed  
 Profile ID: Mitchell

Coleman's Paint & Body Shop  
 5305 Ninth Avenue Eastman, GA 31023  
 (478) 374-7673  
 Fax: (478) 374-7998

Damage Assessed By: Mike Coleman

Type of Loss: Comprehensive

Date of Loss: 3/18/2008

Arrival Date: 3/31/2008

Deductible: NONE

Claim Paid: N

Claim Number: 11-6064-08001

Insured: WILLIAM CARTER

Owner: WILLIAM CARTER

Address: 601 KELLAM RD, DUBLIN, GA 31021-3337

Telephone: Home Phone: (478) 689-6028

Mitchell Service: 915484

Description: 2001 Chevrolet Astro LS

Vehicle Production Date: 4/01

Body Style: VanPassExt 111" WB

Drive Train: 4.3L Inj 6 Cyl 2WD

VIN: 1GNDW19W818143553

License: ALE0316 GA

Mileage: 225,842

Search Code: None

OEM/ALT: O

Color: WHITE

Options: ALUM/ALLOY WHEELS, AIR CONDITIONING, POWER STEERING, POWER BRAKES, POWER WINDOWS, POWER DOOR LOCKS, TILT STEERING WHEEL, CRUISE CONTROL, DUAL A/C, AUTOMATIC TRANSMISSION, LUGGAGE RACK, AM-FM STEREO/CDPLAYER(SINGLE), REAR GATE WIPER, PASSENGER-FRONT AIR BAG, POWER REMOTE MIRROR, V6 ENGINE, 4-DOOR, AM-FM STEREO, VAN, OVERHEAD CONSOLE, DRIVER-FRONT AIR BAG

Line Entry Item Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
			FRONT BUMPER			
1	500441 BDY	REMOVE/INSTALL	FRT BUMPER ASSY			INC
2	BDY	OVERHAUL	FRT BUMPER COVER ASSY			1.1
3	500444 BDY	REMOVE/REPLACE	FRT BUMPER COVER	12382996	GM PART	186.85 INC
4	REF	REFINISH	FRT BUMPER COVER			C 2.1
5			USED PARTS ARE NOT AVAILABLE			
			GRILLE			
6	500459 BDY	REMOVE/REPLACE	GRILLE	19130758	GM PART	333.90 0.2
			FRONT LAMPS			
7	500468 BDY	REMOVE/REPLACE	L H/LAMP CAPSULE ASSY	16524091	GM PART	97.33 0.2
8	BDY	CHECK/ADJUST	HEADLAMPS			0.4
9	500480 BDY	REMOVE/REPLACE	L H/LAMP MOUNTING PANEL	16518493	GM PART	65.21* INC
			MANUAL ENTRIES			
10	900500 BDY*	REMOVE/REPLACE	CAR COVER	New		5.00* 0.0 *
			ADDITIONAL COSTS & MATERIALS			

ESTIMATE RECALL NUMBER: 4/1/2008 16:31:51 11-6064-08001

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UltraMate Version: 6.0.029

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**CERTIFICATE OF SERVICE**

This is to certify that I have mailed copies of the above document by first class mail USPS to all parties listed below.

**Dated:**

**Respectfully Submitted,**

  
William H. Carter  
311 Bethel Street  
Eastman, Georgia 31023

**NCO FINANCIAL SYSTEMS**  
**C/O Glenn E. Jones**  
**Hall, Booth, Smith & Slover, P.C.**  
**3528 Darien Highway, Suite 300**  
**Brunswick, Georgia 31525**  
**(912) 554-0093**